

MAY 18 2012

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

TOMMY VANDYKE,	)	CASE NO. 7:12CV00178
	)	
Plaintiff,	)	
	)	FINAL ORDER
vs.	)	
	)	
BILL BRANCH COAL CO., INC., <u>ET AL.</u> ,	)	By: Glen E. Conrad
	)	Chief United States District Judge
Defendant(s).	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that plaintiff's applications to proceed in forma pauperis (ECF Nos. 3 & 9) are **GRANTED**, pursuant to 28 U.S.C. § 1915(a) and (b), to the extent that prepayment of the filing fee is not required; this civil action is **DISMISSED** without prejudice, pursuant to 28 U.S.C.

§ 1915(e)(2)(b), for failure to state a claim; plaintiff's motions for appointment of counsel and motion for judgment (ECF Nos. 2, 11 & 12) are **DENIED**, and this action is stricken from the active docket of the court.

ENTER: This 17<sup>th</sup> day of May, 2012.

*[Signature]*

Chief United States District Judge